

# Frankfurt Kurnit Klein + Selz PC

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**VIA ECF**

The Hon. Lorna G. Schofield  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2203  
New York, New York 10007

RE: Laspatha DeCaro Studio Corp. v. Rimowa GmbH, et al., No. 16-cv-0934

Dear Judge Schofield:

We represent plaintiff Laspatha DeCaro Studio Corporation (“LD”) in the above-captioned matter. Pursuant to the Court’s order dated October 25, 2016 [Dkt. No. 71], we write to update the Court regarding LD’s efforts to serve the Amended Complaint [Dkt. No. 40] on Defendants Meire GmbH & Co. KG d/b/a/ Meire & Meire (“Meire”) and Shotview Berlin Photographers Management GmbH d/b/a Shotview Artists Management (“Shotview”). As Your Honor is aware, both Meire and Shotview are foreign corporate entities based in Germany; neither defendant has consented to waive formal service of the Amended Complaint. Accordingly, LD has had to pursue service of Meire and Shotview under the Hague Service Convention. *See* Fed. R. Civ. P. 4(h)(2).

LD filed the Amended Complaint on July 11, 2016. In mid-August 2016, shortly after Meire’s U.S.-based counsel made a limited appearance in this action, LD contacted Meire’s counsel to discuss service of the amended pleadings. Specifically, LD asked whether Meire would consent to authorize its U.S.-based counsel to accept service, or else would be willing waive formal service pursuant to Fed. R. Civ. P. 4(d). Despite LD’s repeated follow-up, Meire’s counsel was unable to provide LD with an answer to this request for more than six weeks. On September 29, 2016, LD was advised that Meire would not voluntarily accept service. On October 10, 2016 Shotview likewise refused to accept service via its U.S. counsel.

Once defendants declined to waive or accept service, LD promptly made arrangements to serve the Amended Complaint under the Hague Convention. LD is advised by its international process server that the Amended Complaint, along with the necessary forms and certified German-language translation, was delivered to the German central authority for service on or

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about October 13, 2016. At this time, LD is waiting for confirmation of service on Meire and Shotview in Germany, and to receive final proof of service documentation. Once we receive this information, LD will promptly file proof of service with the Court.

Counsel is available at the Court's convenience to provide additional information regarding this matter.

Respectfully Submitted,  
**Frankfurt Kurnit Klein & Selz P.C.**

*/s/ Andrew J. Ungberg*

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